

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL DUDLEY #151365,

Plaintiff,

Case No. 05-60142

v.

Hon. John Corbett O'Meara

JOHN DOE "D. RICHARD,"

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR
ENTRY OF JUDGMENT AND GRANTING
DEFENDANT'S MOTION FOR ENTRY OF JUDGMENT**

This a pro se prisoner civil rights action brought pursuant to 42 U.S.C. § 1983. On August 23, 2006, the court adopted the magistrate judge's report and recommendation and dismissed the case. Due to a clerical error, the court was unaware the Plaintiff had timely filed a request to extend the deadline for filing his objections to the report and recommendation. The court granted Plaintiff's request for an extension and Plaintiff filed objections to the report and recommendation on September 15, 2006. Defendant filed a motion for entry of judgment in his favor on January 22, 2007. Plaintiff submitted a motion for judgment in his favor on February 12, 2007.

Having reviewed the magistrate judge's report and recommendation as well as Plaintiff's objections, the court agrees with and adopts the magistrate judge's report and recommendation. The court will enter judgment in favor of Defendant.

Therefore, IT IS HEREBY ORDERED that the magistrate judge's report and recommendation, filed on August 15, 2006, is ADOPTED as the findings and conclusions of this court.

IT IS FURTHER ORDERED that Plaintiff's February 12, 2007 motion for judgment in his favor is DENIED.

IT IS FURTHER ORDERED that Defendant's January 22, 2007 motion for entry of judgment is GRANTED.

s/John Corbett O'Meara
United States District Judge

Dated: May 4, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 4, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager